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Notice of Allowability	Application No.	Applicant(s)	
	10/647,829	PATEL ET AL.	
	Examiner	Art Unit	
	Robert Sellers	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and declaration filed 9 January 2006.
2. ☒ The allowed claim(s) is/are 1-8 and 13-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>206</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/9/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 1712

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carter J. White on February 27, 2006.

Cancel claim 18.

The following is an examiner's statement of reasons for allowance:

2. The declaration filed January 9, 2006 is proper due to the inclusion of the signature of inventor Stephen Rabke. The amendment filed January 9, 2006 more clearly defines the internal olefin fractions in the specification and claims, thereby overcoming the 35 U.S.C. 112, first and second paragraphs, rejections.
3. The limitations of claim 17 have been inserted into independent claims 1, 13 and 15 wherein the blend of synthetic internal olefins is confined to three fractions with certain amounts of C₁₅, C₁₆, C₁₇ and C₁₈ isomers. Consequently, the claims now require three separate internal olefin fractions wherein the first fraction contains certain levels of C₁₆ and C₁₈ isomers, the second fraction with particular proportions of C₁₅, C₁₆, C₁₇ and C₁₈ isomers, and the third fraction possesses concentrations of C₁₅ and C₁₆ isomers.

4. The closest prior art to Carpenter et al. Patent No. 6,323,157 discloses up to 50 wt% of C₁₆ internal olefins (col. 5, lines 6-7) and less than 35 wt% of C₁₃, C₁₅ or C₁₇ internal olefins. Example 3 (col. 7, Table 2) shows 30 wt% of C₁₆ internal olefins and 20 wt% of C₁₈ internal olefins. Gee et al. Patent No. 5,589,442 (col. 2, lines 59-60 and col. 7, Example 1, Table I) shows a mixture of C₁₆ and C₁₈ internal olefins. Kirsner et al. Patent No. 6,887,832 sets forth "internal, olefins having from about 40 to about 70 weight percent C₁₆ and about 20 to about 50 weight percent C₁₈ (col. 12, lines 39-41)." There is no motivation to employ the claimed blend of three internal olefin fractions containing a second fraction with C₁₅, C₁₆, C₁₇ and C₁₈ isomers and a third fraction with C₁₅ and C₁₆ isomers, especially within the claimed contents of the individual isomers.

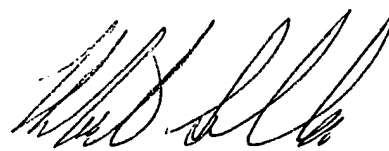
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

rs
2/24/2006



ROBERT E.L. SELLERS
PRIMARY EXAMINER